

II. Claims 6-9, drawn to a method of inhibiting inflammation in a mammal by administering a peptide which blocks the interaction of IKK and NEMO, classified in class 514, subclass 2.

III. Claims 10-12, drawn to a method of inhibiting NF-kB dependent target gene expression in a cell by administering a peptide which blocks the interaction of IKK and NEMO, classified in class 514, subclass 2.

IV. Claim 13, drawn to a method for the identification of an agent that interacts with the NEMO binding domain, classified in class 435, subclass 7.1.

V. Claim 14, drawn to a method for identifying an agent which modulates the activity of NEMO, classified in class 435, subclass 7.95.

VI. Claims 15-18, 20 and 21 drawn to a fusion peptide comprising the NEMO binding domain and at least one membrane translocation domain, and a composition comprising the said fusion peptide, wherein the NEMO binding domain is selected from the group consisting of SEQ ID NO: 2-17, classified in Class 530, subclasses 324 and 329; class 435, subclass 69.7.

Should Group VI be elected, applicants are required to select one sequence of peptides of SEQ ID NOs: 2-17.

VII. Claims 19, 20, 21 and 22, drawn to an isolated peptide and fragments or variants thereof, and a composition comprising the said peptide, comprising or related to SEQ ID NOs: 2-19, classified in class 530, subclass 324 and 329; class 514, subclass 2.

Should Group VII be elected, applicants are required to select one sequence of peptides of SEQ ID NOs: 2-19.

VIII. Claim 23, drawn to an isolated nucleic acid molecule that encodes the amino acid sequence of SEQ ID NOs: 2-19, and fragments thereof, classified in class 536, subclass 23.5.

Should Group VIII be elected, applicants are required to select one sequence of peptides of SEQ ID NOs: 2-19.

Applicants hereby elect the Group VII invention (claims 19, 20, 21 and 22) drawn to an isolated peptide and fragments or variants thereof, and a composition comprising said peptide, comprising or related to SEQ ID NOs: 2-19 and the species of SEQ ID NO:6, *with traverse*.

Applicants hereby *traverse* the foregoing Restriction Requirement on the grounds that Groups VI and VII should be re-grouped as a single invention, as Groups VI and VII encompass inventions which are connected in design, operation, and effect, *i.e.*, are not independent (M.P.E.P. §808.01). Specifically, the invention of Group VI is directed to fusions of the polypeptides of Group VII. As such, a search of the fusion peptides of claim 15 (Group VI) would necessarily uncover art pertaining to the polypeptides of claim 19 (Group VII) because the fusion peptides of claim 15 encompass the polypeptides of claim 19. For the foregoing reasons, Applicants respectfully submit that a sufficient search and examination with respect to the inventions of Groups VI and VII can be made without serious burden on the Examiner.

Even if the Examiner maintains the position that Groups VI and VII are independent, Applicants respectfully submit that, as the M.P.E.P. states,

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803.

The inventions of Groups VI and VII have both been classified in Class 530, subclasses 324 and 329. As such, the searches with regard to these inventions would be co-extensive and would not involve a serious burden on the Examiner. Accordingly, Applicants hereby request that the invention of Groups VI and VII be combined into a single Group.

Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

Finally, it is Applicants' understanding that, under 35 U.S.C. §121, an election of a single peptide for prosecution on the merits is required, to which the claims will be restricted if no generic claim is finally held allowable. Applicants submit that claim 19 is generic. Applicants further understand that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

SUMMARY

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Respectfully submitted,



Maria C. Laccotripe, Ph.D.

Attorney for Applicants

Limited Recognition Under 37 C.F.R. § 10.9(b)

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
Tel. (617) 227-7400
Dated: July 10, 2002